

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 1, 2, and 4 have been amended. Accordingly, claims 1, 2, and 4 are pending in this application.

Claim 1 has been amended to recite the present subject matter more clearly. Support for the amended feature may be found at least page 2, lines 26-28 and page 3, lines 27-29 of the present application and Fig. 2. Claims 2 and 4 have been amended to correct informalities.

Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §103

1. Claim 1 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent No. 4,571,171 issued to Blank et al. ("Blank") and U.S. Patent No. 6,767,497 issued to Knepper et al. ("Knepper"). Applicants respectfully traverse this rejection for at least the following reasons.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c)

resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Furthermore, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Assuming *arguendo* that the references may be combined and a reasonable expectation of success exists, the combined references do not disclose or suggest all of the claim features.

Claim 1, as amended, recites, *inter alia*:

the male mold plate further characterized in that an inclined drag element provided with *a step* is secured to the base plate and actuates the slide in such a way that said drag element less than completely opens the male mold cones merely *for a detachment stroke* at a position between a closing position and an extraction position (Emphasis added)

In connection with these claims features, the Office Action concludes that "[AAPA] as seen in Figure 1, shows [...] The slide and inclined element not only provides the *detachment stroke* for the male mold cones but is also allows for the complete opening of the male mold cones." (Office Action, page 2, section 2, lines 5-7; Emphasis added). Applicants respectfully disagree with this conclusion because there is no teaching or suggestion in AAPA that an

interaction between the slide 4 and the inclined drag element 7 may cause a detachment stroke, saying h , for example, of less than 1 *mm*, to keep the preforms 6 from remaining stuck to one half of the male cones 5, 5” when they are opened (See present application, page 2, lines 26-31; Fig. 2). This detachment stroke is *caused by a step* provided in the drag element 7 and thus cannot be derived from the AAPA male mold plate shown in Fig. 1. See the present application, page 3, lines 27-29, “The base plate 2 has a laterally arranged inclined drag element 7 which has only at position C *a step* or swell to cause a detachment stroke h ” (Emphasis added). Hence, contrary to the Office Action’s contention, in page 2, section 2, lines 5-7, that “[t]he slide and inclined element not only provides the detachment stroke for the male mold cones but is also allows for the complete opening of the male mold cones,” the slide and inclined element taught by AAPA *cannot* cause a detachment stroke because they *lack* a step or swell provided thereon.

For similar reasons as noted above, Applicants respectfully submit that Knepper also fails to teach or suggest at least the cited claim features because Knepper’s cam track 42 is not provided with a step or swell to cause a *detachment stroke* (Fig. 4). No teaching or suggestion, or even recognition, is found in Knepper that its *smooth* cam track 42, as shown in Fig. 4, may cause a *stroke* that renders a detachment between the articles 21 and the space defining surfaces 22a, 22b (Figs.2 and 4). Hence, Knepper’s cam track cannot be an equivalent of the inclined drag element of the presently claimed subject matter. In this connection, Applicants respectfully disagree with the Office Actions conclusion, in page 3, section 2, lines 2-4, that “[i]t would have been obvious for one of ordinary skill in the art to recognize this feature of cam track of Knepper is equivalent to the detachment step in the slide.”

Furthermore, Blank is cited to teach the hydraulic drive secured to the slide for opening the male mold cones and does not teach or suggest the claim features recited above.

Accordingly, even if one of ordinary skill in the art accidentally combines AAPA, Knepper, and Blank, the combined references still do not disclose, teach, or suggest the above-cited claim features. Because even the combined references fail to disclose, teach, or suggest every recited feature, claim 1 is allowable over the references.

In contrast to the teachings of AAPA, Knepper, and Blank, the presently claimed subject matter requires an inclined drag element provided with a step, which causes a detachment stroke, thereby “the preforms are merely loosened or detached from the male mold cones to ensure that the preforms, during the complete opening of the male mold cones 5, do not remain stuck to the latter” (Present application, page 3, lines 29-31). This is an unexpected result that cannot be derived from the teachings of the three references.

In view of the reasons noted above, Applicants respectfully submit that claim 1 is allowable over the references, whether taken alone or in combination.

2. Claims 2 and 4 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over AAPA in view of Blank and Knepper, and further in view of U.S. Patent No. 3,868,202 issued to Valyi (“Valyi”) and U.S. Patent No. 3,685,943 issued to Fischer (“Fischer”). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 2 and 4 depend from claim 1, and none of Valyi and Fischer cures the deficiencies of AAPA, Blank, and Knepper noted above with regard to claim 1. In other words, since none of

the four references discloses, teaches, or suggests “an inclined drag element provided with a step is secured to the base plate and actuates the slide in such a way that said drag element less than completely opens the male mold cones merely for a detachment stroke at a position between a closing position and an extraction position,” as recited in claim 1, the references does not teach or suggest claim 2 or 4, which depends upon claim 1. Hence, claims 2 and 4 are allowable at least because they depend from allowable claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 1. Claims 2 and 4 depend from claim 1 and are allowable for at least this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicants respectfully submit that independent claim 1, and all the claims that depend therefrom, are allowable.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

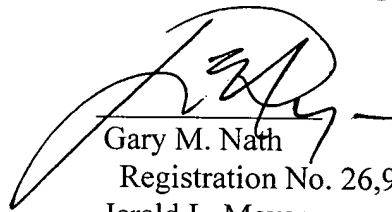
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

September 26, 2008

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396

Respectfully submitted,
THE NATH LAW GROUP



Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Sung Yeop Chung
Ltd. Rec. No. L0449
Customer No. 20529